

Application No.: 10/507,023
Filing date: March 14, 2005
Inventor: van der Heijden
Docket No.: 903-117 PCT/US
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Remarks/Arguments:

Introduction

Claims 17-51 are pending in the application. Claims 27, 34, 45 and 51 have been cancelled. Claims 17-26, 28, 30, 31, 35-44, 46-48 and 50 have been amended. No new matter has been introduced. Applicant acknowledges that claims 17-26 are allowed and claims 28-33, 38, 44 and 48-50 would be allowable if rewritten in independent form.

Claims 27, 34 and 51 have been objected to under 37 C.F.R. §1.75 as allegedly being substantially duplicating of claim 17 or claim 35. Claims 27 and 34 have been canceled and the objection is moot in view of this Amendment.

Claims 17 and 35 are objected to as allegedly containing informalities. The claims have been amended accordingly and the objection is believed to be overcome.

Section 112 Rejections

Claims 40, 45-50 have been rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Applicant has amended claim 40. In view of the amendment, the rejection is believed to be overcome.

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Section 102 Rejections

Claims 35-37, 39-43, 45-47 and 51 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by European Patent No. 0443519 to Feldmann (hereinafter “Feldmann”). The Examiner stated:

Feldmann discloses, in figs. 1-3, a combination of a first container 24 and a second container 44 to form a dispensing unit, which first and second containers each have a reservoir for a liquid substance and a pump 68, which is secured to the reservoir, can be actuated by hand and has a dispensing opening and a pump-actuating button 10, 30 for dispensing substance from the reservoir, which combination also comprises coupling means 20, 18, 38, 40, 72, 74, 56, 82, 84 for coupling together the first and second containers in a position next to one another, the coupling means comprising one or more first coupling members, which are each arranged on the first container, and one or more second coupling members, which are each arranged on the second container and which can each be directly coupled to an associated first coupling member on the first container, characterized in that a first coupling member 20, 18 and an associated second coupling member 38, 40 are each arranged fixedly on the pump-actuating button of the associated container in order to create a stable coupling between the pump-actuating buttons 10, 30 of the two containers and that the dispensing unit further comprises a reservoir holder 52, 62 which is designed to at least partially hold the reservoir of the first container and the reservoir of the second container. The coupling means are snaps fastening; therefore, they form an optionally releasable click-fit connection to one another.

(Office Action dated November 28, 2007, page 3)

Applicant respectfully traverses the rejection.

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Feldmann discloses a combination of a first and a second container. The Examiner refers to the reference numerals 52 and 62 of Feldmann as being the reservoir holders. Numerals 52 and 62 are protruding parts of the containers, formed to hold each other. With holding each other, the reservoirs are also connected and form one piece. However, the reservoir holder as claimed in claim 35 of the present application is a separate part, which at least partially encloses the reservoir of the first container and the reservoir of the second. In contrast, to the members 52 and 62 of Feldmann, which are part of the containers and the present invention has the benefit of providing a reservoir holder in which standard sized containers can be used. In contrast, Feldmann provides only for specially designed or manufactured containers.

Feldmann fails to disclose a dispensing unit as recited in claim 35. Therefore, the rejection under Section 102 is believed to be moot.

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Summary

In view of the above-remarks and claim amendments, this application is believed to be in condition for allowance. Favorable action thereon is therefore respectfully solicited.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R. § 1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number given below.

Respectfully submitted,



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